

Hello to all HIPAA-ites!!! Below and attached are several recent developments and interesting items related to HIPAA. There are a number of interesting items for you to view.

The first item is a short note by me responding to a number of questions, discussions and e-mails this week related to county involvement in future State HIPAA efforts. I think the question can easily be summarized by noting that future county involvement, communication and coordination is extremely critical to all of our efforts, county and state. We all have a huge effort ahead that can only be achieved with involvement.

Well, before anyone suffers from "HIPAAnosis", here is some HIPAA e-news!!!  
Have a great day!!!  
Ken

Topics included below are:

- Ken's View of HIPAA and County Involvement
- [hipaalive] Re: TCS - IG & Rule Change Process
- Articles on HIPAA - Legal Perspectives
- May 21 edition of the SNIP Synopsis.
- HCFA's HIPAA Task Team (ATTACHED - good Powerpoint Presentation included)
- Privacy Officers
- S836 Proposes to Delay HIPAA Rules
- [hipaalive] Who must comply?
- HIPAAALERT-lite May 21, 2001

\*\*\*\*\* Ken's View of HIPAA and County Involvement

\*\*\*\*\*

There has been some questions, discussion and concerns raised in this past week related to potential roles that counties may play in relation to the future State HIPAA efforts and future Office of HIPAA Implementation (OHI). County involvement is critical to the success of all our HIPAA efforts. The County Issues Workgroup of the State HIPAA Workgroup has shown that the county dialogue and an awareness of county operations will be critical in addressing all our issues, county and state. The county operational knowledge will be very important in critiquing state issue resolutions, policies, procedures and processes to ensure that the state adopts things that are reasonable. I expect we may see formalized and documented county participation in the HIPAA issues and consensus process. Also, I expect we may see county representatives with participation sanctioned by both the county organization(s) and OHI. As the OHI is formed in the next months, I expect these important functions will certainly be considered.

I would anticipate that county organizations, like CMHDA, WDA, CSAC, CHEAC, etc., will have representation and invitations for participation, much as we all currently do. One big question is how to have county participation without having several hundred county program representatives overpower the state resources and efforts. One proposal has been to have a representative from each (or several) of the main county organizations represent their needs. This would be maybe 10 or so organizations having representatives instead of several hundred. OHI is still in the early formulation stages, so stay tuned on this. For all of us, involvement, communication and coordination with our business partners are extremely critical in this process.

Ken McKinstry

\*\*\*\*\* [hipaalive] Re: TCS - IG & Rule Change Process  
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Based on what I know today, following are the steps going forward from today [i.e., I'm skipping all that has occurred thus far] that will be followed to update the current HIPAA Electronic Transactions rule. [Note: Some portions of what follows are still being defined / evolved and may change.]

- The current open comment period on X12N's proposed addenda (only) to its Implementation Guides closes approximately 1 June.
- X12N holds open Informational Forums on the comments received about the proposed Implementation Guides addenda. These forums will be held in conjunction with X12's Trimester Meeting in St. Louis the week of 4 June. [www.x12.org](http://www.x12.org) [highlight Meetings] provides further details on attending and the schedule for these forums.
- DHHS / HCFA complete preparation [in consultation with the National Committee on Vital and Health Statistics (NCVHS) if appropriate] of a new Notice of Proposed Rule Making (NPRM) for a new (modified) Electronic Transactions rule. I expect the NPRM will discuss, at least:
  - (a) X12N Addenda to the Implementation Guides
  - (b) NCVHS recommendation on uses of NDC and HCPCS J codes [see <http://ncvhs.hhs.gov/010222lt.htm>]
  - (c) other items deemed appropriate.
- DHHS / HCFA obtain internal Federal Government clearance for the new NPRM.
- NPRM is published in the Federal Register.
- Sixty day public comment period on the NPRM ensues.
- DHHS / HCFA analyze comments received on the NPRM. Technical [as opposed to policy] expertise is solicited from one or more Designated Standards Maintenance Organizations (DSMO) as needed.
- DHHS / HCFA prepare new final Electronic Transactions rule.
- DHHS / HCFA obtain internal Federal Government clearance for the new final rule.
- New final rule is published in the Federal Register.
- Sixty day Congressional review period on the final rule occurs.
- New final rule is adopted.
- Compliance date [which is actually stated in the published final rule] for the new regulations, the included-by-reference amended Implementation Guides, and anything else becomes effective. This compliance date will be either ...
  - (1) no earlier than 16 October 2002 [16 October 2003 for small health plans] or
  - (2) no less than 180 days after the adoption date ...whichever is greater!

I hope the above is what you were looking for. Again let me caution you that some of the above may change. DHHS/HCFA and/or the NCVHS may determine that some additional testimony may become desirable. I may have misunderstood something, or not itemized for you some of the

internal X12N, HL7, DSMO or other processes that I don't currently consider key enough to include. I also welcome comments from the several other list server subscribers who are also deeply involved in the above processes.

Enjoy tracking progress :-)

Dave Feinberg  
Co-Chair, HIPAA Implementation Work Group  
Insurance Subcommittee (X12N)  
Accredited Standards Committee X12  
Voting Member, HL7 and X12  
Rensis Corporation [A Consulting Company]  
206-617-1717  
[DAFeinberg@computer.org](mailto:DAFeinberg@computer.org)

\*\*\*\*\* Articles on HIPAA - Legal Perspectives \*\*\*\*\*

Paul Litwak, an attorney, has a series of articles on HIPAA that are available at  
<http://www.paul-litwak.com/articles.htm>

Some of the published articles include:

It's Time To Get Ready For HIPAA

HIPAA Privacy Rules: A Federal Floor of Privacy Protection

HIPAA Privacy Rules: A Federal Floor of Privacy Protection (Long Playing Version)

12 Steps to HIPAA Compliance [http://www.paul-litwak.com/other/hipaa\\_preparation.pdf](http://www.paul-litwak.com/other/hipaa_preparation.pdf)

>>> <[KristinBecker1@aol.com](mailto:KristinBecker1@aol.com)> 05/21/01 02:55PM >>>

Please see attached for the May 21 edition of the SNIP Synopsis.

\*\*\*\*\* MS Privacy Officer \*\*\*\*\*

\*\*\* This is HIPAAlive! From Phoenix Health Systems \*\*\*

I am a newly appointed Privacy Officer (started in Nov.00) with a background in Radiology (Registered Technologist) with 5 years experience in Quality Management. I have ALOT of responsibilities but the HIPAA committee in our facility is sharing in the responsibilities of our compliance. It is a very large program. There is alot to do ( as everyone knows) and just about has to be a shared responsibility....however I am accountable for my responsibilities and the CIO that is over our HIPAA committee. We have about 24 members on this committee, and you don't miss a meeting! I do sincerely wish that I had more compliance training. I am the expert in chart auditing, and how our system works, but the person designated for this position also needs a good understanding in HIM.

Our HIPAA committee has been in place for about 1 1/2 years.

My position is in the Quality Management department. This position deals alot with Performance Improvement and Risk Management. However, I can easily see where I could slide into the Corporate Compliance Department.

Hope this helps alittle,

Melanie Odom, RT R

Privacy Officer  
Forrest General Hospital  
Hattiesburg, MS  
(601) 288-2810

----- ALSO from WA -----

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\*\*\* This is HIPAAlive! From Phoenix Health Systems \*\*\*

Washington State was slightly ahead of the HIPAA curve on privacy through a Governor's Executive Order on privacy issued in 2000 that required all state agencies, health-related or otherwise, to have a privacy "contact". However, the extent of this person's duties are much more limited than those required for a privacy officer under HIPAA, but all state agencies at least have a position established (or a contact identified) as a start point. At present, different agencies are approaching it differently. Here in DOH, I am not only the HIPAA project manager but also the agency privacy contact. That position and it's description, however, have not been formalized.  
(from [Vicki.Hohner@DOH.WA.GOV](mailto:Vicki.Hohner@DOH.WA.GOV))

\*\*\*\*\* S 836 Proposes to Delay HIPAA Rules \*\*\*\*\*

From: <http://www.healthdatamanagement.com/html/hipaa/NewsStory.cfm?DID=5702>

#### Legislation Introduced to Delay HIPAA Rules

(May 09, 2001) Sen. Larry Craig (R-Idaho) has introduced legislation to set a delayed, uniform compliance date for several rules authorized under the Health Insurance Portability and Accountability Act. The legislation, S. 836, was referred

to the Senate Finance Committee. Text of the bill is available on the congressional Web site, <http://thomas.loc.gov>. Reps. John Shadegg (R-Ariz.)

and Jennifer Dunn (R-Wash.) expect to introduce a similar bill in the House.

The American Medical Association, American Public Human Services Association, and Blue Cross and Blue Shield Association requested the legislation. The bill sets an October 16, 2004 compliance date for the transactions

and code sets, data security, provider identifier, and payer identifier rules; or

two years after the final rules are adopted and reliable provider and payer identifiers are available, whichever is later.

The transactions and code sets final rule, published last year, currently has an Oct. 16, 2002, compliance date. The Department of Health and Human

Services expects this year to publish final rules for security as well as the provider and payer identifiers.

The intent of the legislation is to enable health care organizations to make all

changes in administrative procedures and technology at once. The legislation does not affect the final privacy rule or the delayed individual identifier.

\*\*\*\*\* [hipaalive] Who must comply? \*\*\*\*\*

\*\*\* This is HIPAAlive! From Phoenix Health Systems \*\*\*

It is the opinion of several trial lawyers that I have heard that HIPAA privacy regs will form a standard of practice - and that small organizations, even totally paper - would do well to comply with HIPAA as a demonstration of their good faith and advance protection against litigation - just as many quality-assured organizations comply with ISO 2001.

LL

Lewis Lorton, DDS, MSD  
Forum on Privacy and Security in Healthcare

>  
> Only covered entities are subject to the Privacy regulations.  
> (164.104 - "...the provisions of this part apply to covered entities...") A provider  
> that does not conduct any of the transactions electronically is not a  
> covered entity and would NOT have to comply with the Privacy regulations.  
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\*\*\*\*\* HIPAALERT-lite May 21, 2001

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H I P A A L E R T - l i t e                      May 21, 2001

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H I P A A n e w s

\*\* HIPAA Privacy Changes Expected Soon \*\*

According to a report in Health Data Management, DHHS expects to publish a Notice of Proposed Rule Making (NPRM) to provide additional guidance to the HIPAA Privacy Rule later this year. Also expected is an NPRM to remove the NDC code mandate from the Transactions Rule.

<http://www.hipaadvisory.com/news/index.htm#nprm>

\*\* HIPAA Delay Legislation Introduced \*\*

Senator Larry Craig (R-ID) introduced a bill on May 7th that will delay final implementation of HIPAA until Oct 16, 2004 or two years after finalization of all HIPAA regulations. The bill,

S836, has two co-sponsors and has been referred to the Senate Finance committee.

The longer timeframe is intended to allow small providers to pay incrementally for systems upgrades.

<http://www.hipaadvisory.com/news/2001/craig0507.htm>

**\*\* Key House Republicans Urge Changes to HIPAA Privacy \*\***

Last week, two key Representatives sent a letter to President Bush urging that changes be made in the final HIPAA Privacy rule to ensure a balance between patient's privacy rights and "legitimate" health care needs.

The five concerns outlined in the letter are consent requirements, "minimum necessary" standards, business associate requirements, coverage of oral communications and conflict with state standards.

Additionally, the letter suggests that legislation may be in the works to create a national uniform standard, noting that only legislation can pre-empt conflicting state standards.

<http://www.hipaadvisory.com/news/2001/0509letter.htm>

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**H I P A A l a t e s t**

**NEW IN HIPAACTION:**

**- White Papers from AHIMA**

The American Health Information Management Association (AHIMA) has made several Practice Briefs available, covering topics such as a Privacy Checklist, Faxing Health Information, Marketing or Fund-raising, and more.

<http://www.hipaadvisory.com/action/privacy/index.htm>

**NEW IN HIPAAZINE:**

**- Digital Signatures Spark Debate by Amy Zuckerman**

The promise of computer networks is a threat to insurance companies, hospitals, doctors and government agencies unless the parties in an electronic transaction can be sure of one another's identities.

<http://www.hipaadvisory.com/news/Hipaazine.htm#nytdigsig>

**- Doctors Go Digital by Sally Squires**

One of the nation's first all-digital doctor's offices has eliminated or reduced a number of the inefficiencies and administrative bottlenecks that plague most doctor's offices.

<http://www.hipaadvisory.com/news/Hipaazine.htm#washpostdigdoc>

**NEW IN HIPAAUDIO:**

- Legally HIPAA: Handling Consents and Authorizations

June 20th, 2 PM Eastern

<http://www.hipaadvisory.com/order/legal/index.cfm>

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HIPAAAlert-lite is our weekly version of HIPAAAlert, Phoenix Health Systems' acclaimed monthly email newsletter. HIPAAAlert-lite is published each Monday to keep subscribers abreast of breaking news and industry developments in healthcare privacy and security.

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Our Other HIPAA resources:

Web site: <http://www.hipaadvisory.com>

Discussion List: <http://www.hipaadvisory.com/live/>

Weekly Awareness Note: <http://www.hipaadvisory.com/notes/>

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FORWARD this posting to interested associates, who may subscribe free to HIPAAAlert at:

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